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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,510	10/19/2001	James Alfred Bradford	BRADFORD	3941

7590

07/23/2003

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EXAMINER
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FRANK, ELLIOT L

ART UNIT	PAPER NUMBER
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2125

DATE MAILED: 07/23/2003

4

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n No.

10/047,510

Applicant(s)

BRADFORD, JAMES ALFRED

Examiner

Elliot L Frank

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 19 October 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Specification***

1. The specification, abstract and drawings have been reviewing with no significant anomalies being discovered. Nevertheless, the applicant is encouraged to thoroughly review the specification and correct any informality encountered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Fesmire et al. (USPN 6,067,483 A).

The limitations of claims 1 and 2 are as follows:

1. An electrical energy control system adapted for use with an electrical distribution panel, comprising: (a) means for controlling a main circuit breaker that is adapted to turn said main circuit breaker off and on; and (b) control means adapted for controlling said main circuit breaker.

2. An electrical energy control system adapted for use with an electrical distribution panel, comprising: (a) means for controlling a main circuit breaker that is adapted to turn said main circuit breaker off and on; (b) means for controlling a

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plurality of branch circuit breakers that is adapted to turn each of said plurality of branch circuit breakers off and on; and (c) control means adapted for controlling said main circuit breaker and said plurality of branch circuit breakers and wherein said control means is adapted to sequentially turn on each of said branch circuit breakers.

Fesmire et al. reads on the limitations of claims 1 and 2 at column 4, line 60 to column 5, line 40 wherein it describes a computer controlled breaker system controlling various types of main and subsidiary power circuits.

The limitations of claims 1 and 2 are read in entirety in Fesmire et al.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3,4,8,10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fesmire et al. (USPN 6,067,483 A) in view of Erickson et al. (USPN 4,623,859).

Claims 3,4,8,10 and 11 depend from claim 2. Claim 2 has been shown to be anticipated by Fesmire et al. Fesmire et al. also reads on the limitations of the aforementioned claims as cited below:

3. The electrical energy control system of claim 2 wherein said control means includes a control panel, and wherein said control panel includes a circuit panel and wherein said circuit panel includes a microprocessor, a real-time clock, a battery, a display, and means adapted for programming said microprocessor (column 4, lines 10-41), [and wherein said microprocessor includes a main control line that is operatively attached to a solenoid and wherein said solenoid is adapted to turn said main circuit breaker on and off in accordance with a signal that is supplied by said microprocessor on said main control line].

4. The electrical energy control system of claim 3 wherein said microprocessor includes means for communicating with a remote location (column 6, lines 8-13).

8. The electrical energy control system of claim 4 wherein said remote location includes an end-user of electricity supplied by a utility company (column 6, lines 15-28).

Claims 3,10 and 11 also require solenoids to actuate the processor-controlled circuit breakers as follows:

3. ...wherein said microprocessor includes a main control line that is operatively attached to a solenoid and wherein said solenoid is adapted to turn said main circuit breaker on and off in accordance with a signal that is supplied by said microprocessor on said main control line

10. The electrical energy control system of claim 2 wherein said means for controlling a main circuit breaker includes a solenoid attached to said main circuit breaker.

11. The electrical energy control system of claim 2 wherein said means for controlling a plurality of branch circuit breakers includes a branch solenoid attached to each of said branch circuit breakers.

Fesmire et al. incorporates Erickson et al. by reference at column 5, lines 13-16. Erickson et al. specifies that the use of solenoids in processor-controlled circuit breakers was well known at the time the invention was created per column 1, lines 21-39.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a well-known solenoid actuated circuit breaker if the requirements of the application warranted such a device.

5. Claims 5-7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fesmire et al. (USPN 6,067,483 A) in view of Erickson et al. (USPN 4,623,859) as applied to claim 2 above, and further in view of Moe et al. (USPN 5,675,503 A).

Claims 5-7 and 9 depend from claim 2. Claim 2 has been shown to be anticipated by Fesmire et al. Fesmire et al. also reads on the additional requirements of claim 7 as follows:

7. The electrical energy control system of claim 6 wherein said system is adapted to communicate with said utility company to confirm compliance that said main circuit breaker was in the off position beginning at said time and lasting for said duration (column 6, lines 15-29).

The combination of Fesmire et al. and Erickson et al. does not read on the additional limitations of claims 5,6 and 9 wherein interaction with a utility company is required.

Moe et al., analogous to the previously indicated combination in that all of the references deal with energy control (Moe et al., column 1, lines 9-14), reads on the additional requirements of claims 5,6 and 9:

5. The electrical energy control system of claim 4 wherein said remote location includes a utility company (column 4, lines 5-35).

6. The electrical energy control system of claim 5 wherein said microprocessor is adapted to be programmed by said utility company at which time and for what duration said main circuit breaker is to be in the off position (column 3, lines 23-30).

9. The electrical energy control system of claim 2 wherein said control means is adapted to include a time delay after said control means has sequentially turned on one of said branch circuit breakers prior to turning on another of said branch circuit breakers (column 3, lines 31-41).

It would have been obvious to have incorporated the elements of Moe et al. into the combination of Fesmire et al. and Erickson et al. to have provided a novel and improved energy management system which is highly effective and dependable in its use (Moe et al., column 2, lines 35-38) and wherein the system had the ability to delay application of power after a power outage to reduce the total load that must be energized immediately after an outage (Moe et al., column 3, lines 31-41).

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 2003/0036822 A1 – Davis et al. – Power control

US 2003/0074110 A1 – Silverman et al. – Power control

USPN 5,323,307 A – Wolf et al. – Power control

USPN 6,055,144 A – Reid – Power control

USPN 6,181,985 B1 – O'Donnell et al. – Power control

USPN 6,519,509 B1 – Nierlich et al. – Power control

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elliot L Frank whose telephone number is (703) 305-5442. The examiner can normally be reached on M-F 7-4:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leo P Picard can be reached on (703) 308-0538. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5484.



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ELF

July 19, 2003

*Albert W. Paladini 7-21-03*  
**ALBERT W. PALADINI**  
**PRIMARY EXAMINER**